IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Crl.MC.No. 1851 of 2007()

AGAINST THE ORDER IN LP.18/2001 IN
CC.19/1996 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR

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PETITIONER:

A.G.RAJAN, S/O.GOPALAN, AGED 42 YEARS,
LEKSHMI VILASAM VEEDU, PLACHERRY P.O.,
PUNALUR, KOLLAM DISTRICT.
FROM AKKARA PAYATTUVILA VEEDU, EZHUKONE,
EZHUKONE VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.K.JAYAKUMAR
SRI.R.SURAJ KUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
GOVERNMENT PLEADER, HIGH COURT OF KERALA,
ERNAKULAM.

2. SOLOMON, BATHEL HOUSE, MATHRAM NATHRA
MURI, KARAVALOOR VILLAGE, KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1851 of 2007

Dated this the 8th day of June, 2007

ORDER

Petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Consequent to his non appearance before the learned Magistrate, a warrant of arrest has been issued against him.

2. The learned counsel for the petitioner submits that the petitioner is innocent. There is no wilful refusal or failure on his part to appear before the learned Magistrate. He is willing to appear before the learned Magistrate and apply for bail, but he apprehends that this application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release him on bail when he appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider

such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-